REMARKS

The enclosed is responsive to Examiner's Office Action mailed on

April 12, 2006. At the time Examiner mailed the Office Action claims 1, 2, 4-10

and 23-30 were pending. By way of the present response Applicant has

amended no claims ; 2) added no new claims; and 3) canceled no claims. As

such, claims 1, 2, 4-10 and 23-30 are now pending. Applicants respectfully

request reconsideration of the present application and the allowance of all

claims now presented.

Claim Rejections – 35 USC §102

Claims 1, 2, 4-10 and 23-30 stand rejected under 35 USC. 102(b) as

being unpatentable by Nguyen, U.S. Patent No. 5,797,089 (hereinafter

"Nguyen").

Applicant respectfully disagrees with the interpretation of Nguyen set forth

in the Office Action. With respect to claim 1, Nguyen does not disclose "a

plurality of control elements to perform a first plurality of defined functions when

the data processing device is in the first operational mode and to perform a

second plurality of defined function when the data processing device is in the

second operational mode." Nguyen discloses two separate sets of control

elements, each set used exclusively depending on whether the device is in

telephony mode or PDA mode. As is shown in Fig.1, the computer keyboard 24

of Fig. 2 (for PDA mode) is not accessible when the device is in telephony mode.

Fig. 2 demonstrates that the telephone keypad 12 of Fig.1 is on the back side of

the device and not readily accessible when the device is in PDA mode. Thus,

because use of the two keypads in Nguyen is mutually exclusive, Nguyen does

not disclose a plurality of control elements whose functionality changes

depending on device operation mode.

Additionally, Nguyen does not disclose that "at least one of the plurality of

control elements includes: a first glyph representing a designated one of the first

specified functions, the first glyph being highlighted when the data processing

device is in the first operation mode; and a second glyph representing a

designated one of the second specified functions, the second glyph being

highlighted when the data processing device is in the second operational mode,

wherein the data processing device automatically highlights the first glyph when

in the first operational mode and automatically highlights the second glyph when

in the second operational mode." Nguyen col. 4 lines 8-27, which the Office

Action references as disclosing this element, states in part:

> The keyboard 24 includes a PDA power switch 25 and an interior telephone power switch 26 which are utilized to power on/off the PDA unit and the telephone unit, respectively, when the PCT 10 is being operated in the open position. A PDA power-on light indicator 27 and a telephone power-on light indicator 28 are mounted adjacent to the PDA and telephone power switches 25 and 26, and indicate whether the PDA unit and/or the telephone unit are energized.

Thus, this portion of Nguyen merely discloses "power-on light indicator[s]" and

not glyphs. Further, *arguendo* assuming that the power-on light indicators 27

and 28 were glyphs, it is apparent that the power-on lights in Nguyen only

indicate whether the PDA or telephone units are energized and are not

associated with a means of controlling functionality of the device. Functionality in Nguyen is provided by the switches 25 and 26 mounted adjacent to the power-on indicators. In contrast, Applicant claims "a first glyph representing a designated one of the first specified functions."

In addition, Nguyen does not teach or suggest that "at least one of the plurality of control elements includes: a first glyph . . . and a second glyph." The power-on light indicators 27 and 28 disclosed in Nguyen, as evident in the quote above and shown in Fig. 2, correspond to their respective switches 25 and 26 and not to a single common switch.

With respect to claim 2, Nguyen does not disclose or suggest a "display screen rendering images in a first orientation when the data processing device is in the first operational mode and rendering images in a second orientation when the data processing device is in the second operational mode." Rather, Nguyen Fig. 1 and Fig. 2 disclose two separate displays for displaying information when the device is in a first and second operational mode. Nguyen col. 5 lines 24-25, which the Office Action cites for this claim, merely discloses that the device has a "mobile telephone display screen 11" which, as seen in Fig. 1, is on the front of the device. Referring to Fig. 2, Nguyen col. 3 lines 56-65 disclose that after the device is "in an open position and rotated 90 degrees clockwise form the orientation of Fig. 1. . . . The top half 21 includes a display screen 23 for use with a personal digital assistant (PDA) unit." Thus, Nguyen does not contemplate rendering images in a first and second orientation on the same display screen based on device operation mode.

With respect to claim 4, Nguyen does not teach that "the first glyphs are positioned on each of the control elements in a first orientation corresponding to the first orientation of the data processing device and each of the second glyphs are positioned on each of the control elements in a second orientation corresponding to the second orientation of the data processing device." The Office Action references Nguyen col. 6 line 45 to col. 7 line 12 which merely describes a flow chart in Fig. 4 but makes no reference to glyphs.

Claims 2 and 4-10 depend from claim 1 and include additional features. Accordingly, Applicant respectfully submits that Claims 2 and 4-10 are allowable over the cited art for at least the reasons stated above with respect to claim 1.

With respect to claim 23, Nguyen does not teach or suggest "a first group of control elements to perform a first plurality of defined functions within a first physical orientation and to perform a second plurality of defined functions within a second physical orientation." The Office Action references Nguyen col. 3 line 37 to col. 4 line 22 as disclosing this element. Although this portion of Nguyen discusses a device having two sets of control elements it does not describe any control elements having more than a single mode of functionality. As discussed above, Nguyen Fig. 1 shows that the computer keyboard 24 of Fig. 2 is not even accessible when the device is in basic telephony mode. Fig. 2 demonstrates that the telephone keypad 12 of Fig.1 is on the back side of the device and not readily accessible when the device is in PDA mode. Accordingly, Nguyen teaches away from using the same control elements for different functions when in different modes.

The cited portions of Nguyen do not disclose "a motion sensor to detect the orientation of the data processing device, wherein the data processing device automatically switches from the first operational mode to the second operational mode in response to the motion sensor detecting the data processing device switching from the first physical orientation to the second physical orientation." Nguyen col. 4 line 32 discloses a device having "a PDA Open sensor" that can automatically put the device in PDA mode when it is opened. Nguyen col. 5 lines 56-67 disclose that the device may automatically activate telephony mode in response to user commands while in PDA mode. However, neither of these capabilities suggests a motion sensor to detect a change in device orientation and automatically switch the device operation mode accordingly.

Claim 24 is substantially similar to claim 2 and the same remarks set forth with respect to claim 2 apply to claim 24.

Claims 27 and 28 are substantially similar to elements of claim 1 argued above and the same remarks set forth with respect to claim 1 apply to claims 27 and 28.

Claims 24-28 depend from claim 23 and include additional features. Accordingly, Applicant respectfully submits that Claims 24-28 are allowable over the cited art for at least reasons stated above with respect to claim 23.

With respect to claim 29, the Office Action references Nguyen col. 6 line 45 to col. 7 line 12 as disclosing "a second plurality of control elements associated with a second plurality of functions, wherein the second plurality of control elements is hidden from a user when the device is in a first orientation and when the device is in a third orientation." Although this portion of Nguyen

mentions that the device may be used in a "closed position" or in an "open position," it does not mention or suggest a third orientation. Further, this portion of Nguyen does not disclose "a third plurality of control elements associated with a third plurality of functions" as claimed by Applicant. As discussed above, Nguyen discloses only two set of control elements, the keypad 12 in Fig. 1 and the keyboard 24 of Fig. 2.

Claim 30 depends from claim 29 and includes additional features. Accordingly, Applicant respectfully submits that claim 30 is allowable over the cited art for at least reasons stated above with respect to claim 29.
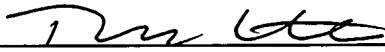
CONCLUSION

Applicants respectfully submit that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully Submitted,
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